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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DANIEL YOUNG, et al.,
11 Plaintiffs,
12 v.
13 PATRICK E. PENA, et al.,
14 Defendants.

CASE NO. C18-1007JLR

ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFFS' SECOND MOTION
TO RENOTE DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

15 **I. BACKGROUND AND ANALYSIS**

16 Before the court is Plaintiffs Daniel Young and Richard Young's (collectively,
17 "Plaintiffs") second motion to renote Defendants Patrick Pena, Nicolas Sturlaugson,
18 Travis Hauri, David Johnson, City of Bellingham, and Does 1-200's (collectively,
19 "Defendants") motion for summary judgment. (2d MTR (Dkt. # 28); *see also* MSJ (Dkt.
20 # 11).) In their motion, Plaintiffs request that the court extend their deadline to respond
21 to Defendant's summary judgment motion by 60 days. (2d MTR at 2.) On February 6,
22 2019, the court granted Plaintiffs' first motion to renote Defendants' summary judgment

1 motion, which provided Plaintiffs an additional 45 days to respond to Defendants'
2 motion. (*See* Order (Dkt. # 27); 1st MTR (Dkt. # 23).) Plaintiffs filed their first motion
3 to renege after they were unable to timely respond to Defendants' summary judgment
4 motion even though Defendants provided Plaintiffs a 30-day extension. (*See* Resp. (Dkt.
5 # 25) at 2.)

6 Pursuant to Local Rule 7(j), "[a] motion for relief from a deadline should,
7 whenever possible, be filed sufficiently in advance of the deadline to allow the court to
8 rule on the motion prior to the deadline." Local Rules W.D. Wash. LCR 7(j). In
9 addition, "[p]arties should not assume that the motion will be granted and must comply
10 with the existing deadline unless the court orders otherwise." *Id.*

11 Plaintiffs filed the present motion on March 25, 2019, which was also the date that
12 Plaintiffs' summary judgment response was due. (*See* 2d MTR; *see also* Order.)
13 Plaintiffs, however, did not file a summary judgment response, in violation of Local Rule
14 7(j)'s instruction to "comply with the existing deadline unless the court orders
15 otherwise." Local Rules W.D. Wash. LCR 7(j). Plaintiffs' present motion also violates
16 Local Rule 7(j) because it was noted for April 5, 2019, thus preventing the court from
17 ruling on it prior to Plaintiffs' summary judgment response deadline. *Id.*; (*see also* 2d
18 MTR at 1; Order at 5.)

19 The court does not find "good cause" to extend the summary judgment response
20 deadline for an additional 60 days. *See* Fed. R. Civ. P. 6(b)(1)(A) (requiring "good
21 cause" for the court to extend a deadline). Plaintiffs' counsel, Lawrence Hildes, requests
22 the additional 60 days because of his ongoing heart condition and his wife's cancer

1 treatment. (*See* 2d MTR at 2-3.) The court does not minimize these conditions, but these
2 are some of the exact reasons for which the court granted Plaintiffs their prior 45-day
3 extension. (*See generally* Order.) The court is also cognizant that Plaintiffs initiated this
4 lawsuit against Defendants and that Plaintiffs have already received nearly three months
5 of extensions from Defendants and the court in which to file their summary judgment
6 response. To the extent that Mr. Hildes is unable to perform his work because he is
7 “completely focused on [his wife’s] appointments, treatment[,] and recovery . . . until
8 most likely June,” Mr. Hildes should help Plaintiffs find counsel who can represent them.
9 (*See* 2d MTR at 3.) Thus, the court DENIES Plaintiffs’ summary judgment response
10 deadline by 60 days.

11 However, due to Mr. Hildes’s stated conditions, the court finds good cause to
12 extend Plaintiffs’ summary judgment response deadline to April 15, 2019. The court also
13 renotes Defendants’ summary judgment motion to April 19, 2019, on which date
14 Defendants’ summary judgment reply is due. *See* Local Rules W.D. Wash. LCR 7(d)(3).

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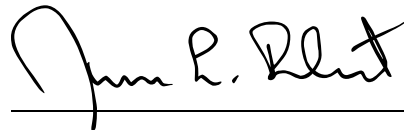
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1 **II. CONCLUSION**

2 For the foregoing reasons, the court GRANTS in part and DENIES in part
3 Plaintiffs' second motion to rene Defendants' summary judgment motion. (Dkt. # 28.)
4 The court DIRECTS the Clerk to rene Defendants' summary judgment motion (Dkt.
5 # 11) to April 19, 2019. Plaintiffs' summary judgment response deadline is April 15,
6 2019.

7 Dated this 8th day of April, 2019.

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10 JAMES L. ROBART
11 United States District Judge
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